

Applicant Initiated Interview Request Form

Application No.: 10/029,372² First Named Applicant: David W. Koenig
 Examiner: Elizabeth M. Cole Art Unit: 1771 Status of Application: Final Rejection
 Mailed December 18, 2003

Tentative Participants:

(1) Examiner Cole (2) Christopher M. Goff (Reg. No. 41, 785)

Proposed Date of Interview: February 3, 2004 Proposed Time: 11:00 (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc.)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) Rejection	1-7, 9-11, 14-17, 20-23, 26-28, 31-35, 38	Mandell et al. Romano et al.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) Rejection	12-13	Mandell et al. Romano et al. Lorenzi et al.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Brief Description of Arguments to be Presented:

The finality of the Office action is improper under MPEP 706.07 as none of the rejections of the first Office action have been maintained and all rejections of the final Office action are new and not necessitated by Applicants' amendments.

Independent claim 1 requires an osmoregulation protector selected from the group consisting of glycine betaine, proline betaine, trigonelline, carnitine, and arsenobetaine. None of the prior art references cited by the Office in the final Office action disclose these osmoregulation protectors. Mandell and Lorenzi disclose betaines generally; however, the references never disclose glycine betaine, proline betaine, trigonelline, carnitine, and arsenobetaine. Romano does disclose a general betaine structure wherein R¹, R², and R³ can independently be one carbon; however, Romano further requires the sum of R¹, R², and R³ to be from 14 to 24 carbon atoms. Also, the exemplary betaines set forth by the reference, including the betaines disclosed in the examples, comprise the required 14-24 carbon atoms of R¹, R², and R³. Additionally, the Office has explicitly admitted Romano does not disclose the required betaines by withdrawing the 102(b) rejection of claims 21 and 24-26 in view of Romano from the first Office action. As the Office states in the final Office action, "all rejections not maintained above are withdrawn in view of Applicants' amendments and arguments". See paragraph 6 of Final Office Action. Therefore, the general betaine structure of Romano does not disclose glycine betaine, proline betaine, trigonelline, carnitine, and arsenobetaine as required by claim 1. As such, the prior art references do not disclose or suggest each and every limitation of claim 1 of the instant Application as required by 35 U.S.C. 103(a).

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

 (Applicant/Applicant's Representative Signature)

 (Examiner/SPE Signature)

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FACSIMILE TRANSMITTAL COVER SHEET

DATE: February 2, 2004 ATTORNEY DOCKET NUMBER: KCC 4788
PTO FACSIMILE NUMBER: (703) 872-9310PLEASE DELIVER THIS FACSIMILE TO: Elizabeth M. Cole
THIS FACSIMILE IS BEING SENT BY: Christopher M. Goff
NUMBER OF PAGES: 2 INCLUDING COVER SHEETTIME SENT: 1:25 pm OPERATOR'S NAME Donna M. Tucker

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to
the Patent and Trademark Office on the date shown below.Donna M. Tucker
Typed or printed name of person signing certification
Donna M. Tucker February 2, 2004
Signature DateType of paper transmitted: Applicant Initiated Interview Request
FormApplicant's Name: Kimberly-Clark Worldwide, Inc.Serial No. (Control No.): 10/029,372 Examiner: E. ColeFiling Date: December 20, 2001 Art Unit: 1771Application Title: PRODUCTS FOR CONTROLLING MICROBIAL GENERATED
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POSSIBLE. CONFIRMING NUMBER IS (314) 231-5400.

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